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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,583	06/19/2006	Noriyoshi Munenaga	2006_1352	1458

513 7590 11/14/2011  
WENDEROTH, LIND & PONACK, L.L.P.  
1030 15th Street, N.W.,  
Suite 400 East  
Washington, DC 20005-1503

EXAMINER
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YANCHUK, STEPHEN J

ART UNIT	PAPER NUMBER
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1729

NOTIFICATION DATE	DELIVERY MODE
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11/14/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com  
coa@wenderoth.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,583	<b>Applicant(s)</b> MUNENAGA ET AL.	
	<b>Examiner</b> STEPHEN YANCHUK	<b>Art Unit</b> 1729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 5) ☒ Claim(s) 1,3-7,10 and 11 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1, 3-7, 10, 11 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

1. All outstanding objections and rejections are withdrawn in light of applicant's amendment filed on 10/07/2011
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in prior office action.
3. The 112 rejections have been removed in light of amendment.

### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/07/2011 has been entered.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 3-7, 10-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. D1 and D2 are not defined in the specification. The drawings show a relative relationship which could be used to establish a D1 and D2, but the drawings do not show specific distances of the given sides or that they are in fact exactly equal to each other. Drawings are not acceptable forms to teach distances and therefore can not be relied upon for dimensions. In order to advance prosecution, D1 and D2 are to be relative terms wherein D1 and D2 comprise a total distance connecting two outside portions of a battery casing.

### ***Claim Rejections - 35 USC § 102***

7. Claims 1, 3-4, 6-7, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (PGPUB 2004/0126650).

Claim 1: Kim teaches a POWER GENERATING ELEMENT (electrode assembly) battery for lithium ion cells which comprise a negative electrode (33), positive electrode (31), and separator (32) between [Abstract]. The cell includes a BATTERY CASE (61), TERMINAL (63c), LEAD (65), and a CURRENT COLLECTOR including an ACTIVE MATERIAL COATING PORTION and ACTIVE MATERIAL NON-COATING PORTION [Fig 4]. A current is formed at the current collector by the interaction between the positive and negative electrode over a separator [p.34]. The interior of the case, between inner portions of the battery case, is defined as a space with a distance D1. A member (66: polymer resin of polypropylene) [p. 57] is included wherein the outer layers for a distance D2 that shares the same inner boundary that defines D1 thusly  $D2=D1$

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[Fig 6A]. A void exists that sandwiches the lead and the active material non-active material non-coating portion [Fig 4, 6a].

Claim 3: The member is in contact with the sandwiched lead and sandwiched active material non-coating portion of the current collector extending beyond the active material coating portion.

Claim 4: The member element is a layer of resin which functions to insulate the battery from the case [Fig 6a].

Claim 5: Kim teaches an insulating material (66) that is in direct contact with the battery casing [Fig 6a].

Claim 6: Both of the positive and negative leads are sandwiched by the member element [Fig 6A].

Claim 7: The member comprises raised outside regions and center part with voids for pressure release valves and electrode passing elements [Fig 6B].

Claim 10, 11: Kim teaches the positive electrode current collector to be aluminum [p.36] and the negative electrode current collector to be copper foil [p. 37]. The case has an inner bottom face [Fig 6b]. A positive lead (64) connects the aluminum foil to a terminal and a negative lead (65) connects the copper foil to the inner bottom face. The examiner interprets an element A to be "connected to" element C even if it must first be connected to an element B. The positive lead and aluminum foil are sandwiched by the member (air) layer.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 3-7, 10-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN YANCHUK whose telephone number is (571)270-7343. The examiner can normally be reached on Monday through Thursday 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ula Ruddock can be reached on 571-277-1481. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 1729

/Robert Hodge/  
Primary Examiner, Art Unit 1729